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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 VANESSA BACA,)
10 Plaintiff,) 2:15-cv-01357-GMN-CWH
11 vs.) **ORDER**
12 BAYER HEALTHCARE PHARMACEUTICALS)
13 INC., *et al.*,)
14 Defendants.)

15 This matter is before the Court on Plaintiff's Second Motion to Extend Time for Service
16 (doc. # 37), filed December 28, 2015.

17 Plaintiff requests extension of time to serve Defendants Bayer Corporation, Bayer Schering
18 Pharma AG, and Schering AG under Fed. R. Civ. P. 4(m), which states:

19 If a defendant is not served within 120 days after the complaint is filed, the
20 court—on motion or on its own after notice to the plaintiff—must dismiss the
21 action without prejudice against that defendant or order that service be made
within a specified time. But if the plaintiff shows good cause for the failure,
the court must extend the time for service for an appropriate period.

22 Fed. R. Civ. P. 4(m).

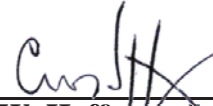
23 Courts have broad discretion to extend time for service under Rule 4(m). Efaw v. Williams,
24 473 F.3d 1038, 1041(9th Cir. 2003). The 120-day period for service contained in Rule 4(m)
25 “operates not as an outer limit subject to reduction, but as an irreducible allowance.” Henderson v.
26 United States, 517 U.S. 654, 661 (1996). “On its face, Rule 4(m) does not tie the hands of the
27 district court after the 120-day period has expired. Rather, Rule 4(m) explicitly permits a district
28 court to grant an extension of time to serve the complaint after that 120-day period.” Mann v.

1 American Airlines, 324 F.3d 1088, 1090 (9th Cir. 2003). Moreover, the Advisory Committee Notes
2 to Rule 4(m) state that the rule “explicitly provides that the court shall allow additional time if there
3 is good cause for the plaintiff’s failure to effect service in the prescribed 120 days, and authorizes
4 the court to relieve a plaintiff of the consequences of an application of [Rule 4(m)] even if there is
5 no good cause shown.” See Fed. R. Civ. P. 4(m), Advisory Committee Notes, 1993 Amendments.
6 Generally, “good cause” is equated with diligence. See Wright & Miller, Federal Practice and
7 Procedure: Civil 3d § 1337.

8 The Court finds good cause for the requested extension. Thus, Plaintiff shall have sixty (60)
9 additional days to complete service on Defendants Bayer Corporation, Bayer Schering Pharma AG,
10 and Schering AG.

11 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Plaintiff’s Second Motion to
12 Extend Time for Service (doc. # 37) is **granted**. The time for service under Fed. R. Civ. P. 4(m) is
13 extended to **March 4, 2016**.

14 DATED: January 4, 2016

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16 C.W. Hoffman, Jr.
17 United States Magistrate Judge
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